MC 235/2007
BEFORE
THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE(ACTG.)
THE HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr JM Choudhury, learned senior counsel for the accused-applicants who have been convicted by the learned Sessions Judge, Barpeta in Sessions Case No.15/2005.

Also heard Mr KC Mahanta, learned PP, Assam.

We have perused the impugned judgment.

It would appear that the applicant No.1 Sri Kailash Das has been convicted u/s 304(B) read with Section 34 of the IPC and sentenced to imprisonment for life for causing death of his wife.

Having regard to the materials available on record including the judgment under appeal, we reject the prayer for bail of Shri Kailash Das.

In so far the applicant No.2 Smti Ulada Das, aged 70 years and the applicant No. 3 Smti Manomati Das are concerned, it would appear from para-16 of the judgment under appeal that both the applicants have been convicted with aid of Section 34 IPC as they did not go forward to save the deceased and create any halla to draw the attention of the neighbours. Considering that the case is based on scant evidence, we direct that sentence imposed upon Smti Ulada Das and Smti Manomati Das be suspended and they be released on bail of Rs.15,000/- with two sureties of the like amount to the satisfaction of the learned Sessions Judge, Barpeta.

The Misc Case accordingly stands disposed of.